

REMARKS

The present amendment is intended to place the case in condition for allowance.

Claims 1-4, which are provisionally rejected based on 35 U.S.C. 101 statutory type double patenting, have been canceled.

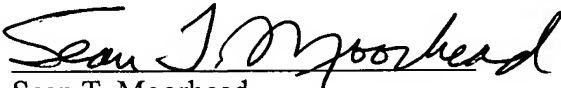
Claims 5 - 26 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 5-32 and 35 of co-pending Application No. 10/412,632. Since the applications are assigned to the same assignee, a terminal disclaimer is submitted herewith. Claims 5-16 have been canceled. Claims 17-19, 21, and 23, all of which were not subject to any other basis for rejection, have been canceled and rewritten as claims 27-52, and are now either in independent form or dependent on a valid base claim. Claims 20, 22, and 24-25, which were not subject to any other basis for rejection, have been canceled and may be pursued in a continuation case.

The Office Action indicates that claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Giustino (US 10/822551). As the cited reference is the application number of this application, such rejection appears to be improper and possibly in error. As such, claims 12 and 13 remain pending in the application subject to the PTO's reply.

In view of the procedural posture of this case, if the present amendment does not place this case in condition for issuance, the Examiner is urged to contact the undersigned to discuss how the case might be promptly placed in condition for allowance.

Respectfully submitted,

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